

PLANNING COMMISSION MEETING

July 8, 2014
AGENDA

I. CALL TO ORDER – 7:00 p.m., Council Chambers

II. ROLL CALL/ESTABLISHMENT OF QUORUM

III. APPROVAL OF MINUTES

A. June 3, 2014

IV. PUBLIC COMMENT

Comment from the audience on any item not listed on the agenda for discussion or public hearing.

V. PLANNING DEPARTMENT REPORT

Update on Planning and Development Department activities.

VI. OTHER BUSINESS

A. Comprehensive Plan Overview* (Chamberlain)

Summary: Provide an overview of the comprehensive plan and amendment process.

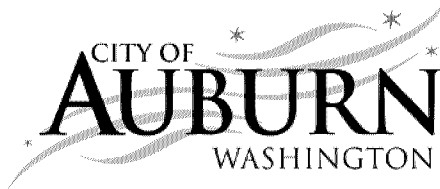
B. Recreational Marijuana* (David Jones)

Summary: Review and discuss proposed options for regulating State licensed marijuana uses in the City.

VII. ADJOURNMENT

The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.



**DRAFT
PLANNING COMMISSION**

June 3, 2014

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

II. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Couture, Commissioner Mason, Commissioner Baggett, and Commissioner Smith. Commissioner Pondelick is excused.

Staff present included: Planning Services Manager Elizabeth Chamberlain, City Attorney Dan Heid, Senior Planner David Jones, and Community Development Secretary Tina Kriss.

Members of the public present: Eric Gaston, Tome Nelson, Virginia Haugen, David Allen, Timothy Edwards, James Blankenship, and D.H. Wolf.

III. APPROVAL OF MINUTES

A. May 6, 2014

Commissioner Mason moved and Commissioner Smith seconded to approve the minutes from the May 6, 2014 meeting as written.

MOTION CARRIED UNANIMOUSLY 6-0

IV. PUBLIC COMMENT

There were no public comments on any item not listed on the agenda for discussion or public hearing.

V. PLANNING DEPARTMENT REPORT

Planning Services Manager Elizabeth Chamberlain updated the Commission on ZOA14-0002, zoning code amendment for Section 18.23., "Uses (of the Commercial and Industrial Zones)" to change the use regulations applicable to warehousing and distribution facility uses in the EP, Environmental Park zoning district and the M1, Light Industrial Zoning district. At the May 6, 2014 meeting, the Commission recommended moving zoning code Section 18.23.030 to full Council for approval with Footnote #1.

At the Planning and Community Development Committee meeting on May 27, 2014, the Committee discussed ZOA14-0002, amendments to Zoning Code Section 18.23., the Committee determined they would go with an outright permitted (P) use in the EP district

with direction to discuss the EP district for refinements as part of the Comprehensive Plan work.

On May 21, 2014, the City held a Vision Town Hall meeting in order to report back to the community on the visioning theme and information collected throughout the Imagine Process. The consultant is currently working on the visioning report and the report will include recommendations for moving forward. The report will be provided to the Planning Commission.

VI. OTHER BUSINESS

A. Recreational Marijuana

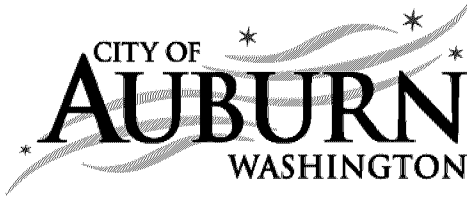
Senior Planner Jones provided an overview of the May 20, 2014 public workshop results on I-502, Recreational Marijuana. After receiving information from the public workshop, reviewing Initiative I-502 and all applicable State regulations, receiving a popular vote of State of Washington and City of Auburn residents, Senior Planner Jones stated it is staffs' recommendation that the Planning Commission move forward with Option 2. Option 2 would allow State licensed marijuana use with no further regulation.

The Commission and staff discussed the City's liabilities if Option 2 were selected. A discussion was held as to a hybrid version of Option 2 that would create an Option 3. Staff agreed that adding changes to Option 2 would result in an Option 3. The absence of an Auburn Business License for those selling recreational marijuana as a State License holder was discussed along with the State's currently plan of no revenue sharing with regards to I-502.

The Commission asked if staff could provide draft language for Option 1 and Option 2 as proposed by staff for the affected sections of the Auburn City Code (ACC). Staff confirmed that they will draft the code language for Option 1 and Option 2 to bring back to the Commission for refinement.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:03 p.m.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

CC: Jeff Tate, Assistant Director, Community Development Services

FROM: Elizabeth Chamberlain, AICP, Planning and Design Services Manager

DATE: July 2, 2014

RE: Comprehensive Plan Overview/Comprehensive Plan Update 101

Overview

RCW 36.70A contains provisions pertaining to compliance with the Growth Management Act including preparation and update of a Comprehensive Plan that must plan for a minimum of 20 years of growth. Every county and city in the state is required to conduct a periodic update, though the obligation varies depending on whether the jurisdiction is fully or partially planning. Per state law, fully planning counties and cities must complete the periodic update for their entire comprehensive plan and development regulations. "Fully planning" means that a city or county must meet all GMA requirements, including adoption of a comprehensive plan and a complete set of development regulations implementing the plan; this also includes the critical areas ordinance. The City of Auburn is a fully planning city as are other cities in King County.

Many communities amend their comprehensive plan annually and regularly adopt changes to the development regulations that implement them. In addition to these regular amendments, GMA requires counties and cities to periodically conduct a thorough review of their plan and regulations to bring them up to date with any relevant changes in the GMA and to respond to changes in land use and population growth. This mandatory "periodic update" takes place for most communities at least once every eight years and required to be completed June 30, 2015.

The "periodic" updating of a Comprehensive Plan is a significant work effort involving the City Council, City Administration, the Planning Commission, community stakeholders, residents, and businesses. GMA imposes a significant expectation of public involvement.

RCW 36.70A outlines what elements of the Comprehensive Plan are required. A City also has the choice of whether to include optional elements in the comprehensive plan related to physical development within the city. Here is outline of the required elements and the optional elements Auburn has included:

Required Elements	Optional Elements
Land Use • Land Use Designations • Density Ranges • Population and Employment Growth Projections	Historic Preservation
Housing • Inventory • Affordable Housing • Accommodate Growth	Urban Design
Capital Facilities • Water, Sewer, and Storm • Public buildings/other facilities • School Districts	
Transportation • Motorized • Non-motorized • Financial Plan • Transit • Level of Service • Concurrency	
Economic Development • Goals for Economic Development	
Parks and Recreation • Parks facilities – existing and new • Level of Service standards • Arts	
Utilities • Private Utilities	

Attachment:

Flow Chart State and Regional Requirements/Influences on the Comprehensive Plan Update Process

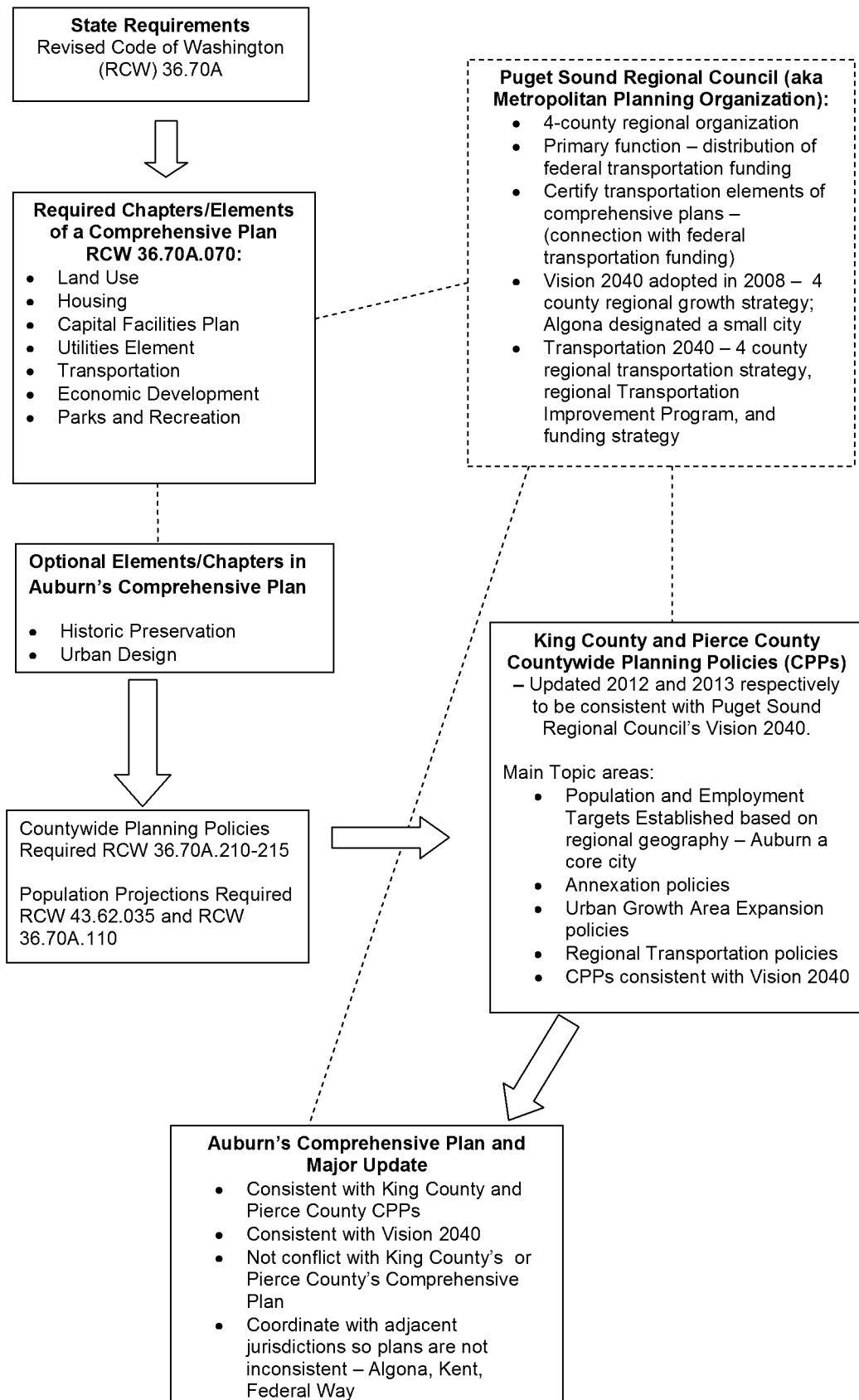
For the Commission's information, links to the Countywide Planning Policies and Puget Sound Regional Council Vision 2040.

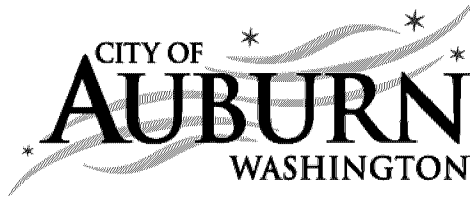
<http://www.psrc.org/growth/vision2040/pub/vision2040-document/>

King County CPPs <http://www.kingcounty.gov/property/permits/codes/growth/GMPC/CPPs.aspx>

Pierce County CPPs <http://www.co.pierce.wa.us/index.aspx?nid=1781> (link at bottom of page)

How State Requirements and Regional Documents Relate to Auburn's Comprehensive Plan Update





MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

CC: Nancy Backus, Mayor
Jeff Tate, Assistant Director, Community Development Services
Elizabeth Chamberlain, AICP, Planning Services Manager

FROM: David L. Jones, AICP, Senior Planner
Daniel B. Heid, City Attorney

DATE: July 8, 2014

RE: RECREATIONAL MARIJUANA (CANNABIS) cont. discussion

Overview

On June 3, 2014, staff presented additional review and analysis materials for the Planning Commission regarding State Initiative 502 (I-502) which allows the State to license and regulate cannabis production, processing, distribution, and possession for persons over 21. As part of the continued discussion of these materials, the Planning Commission requested staff provide draft language for Option 1 and Option 2 as proposed by staff for the affected sections of the Auburn City Code (ACC).

Staff identified the following ACC section(s) would require revised language under proposed Option 1:

- 9.22.010 Marijuana prohibited.

Staff identified the following ACC section(s) would require revised language under proposed Option 2:

- 1.04.060 Conflict of ordinances with state or federal law.
- 5.10.040 General business license required – Exception.
- 9.22.010 Marijuana prohibited.
- 18.02.020 Authority to adopt code.

The following are the proposed ACC section changes as related to state licensed marijuana uses.

Option 1: Prohibition of State Licensed Marijuana Uses

Amend Language in ACC 9.22.010 as follows:

9.22.010 Marijuana prohibited.

Except as authorized under United States Code (USC) Title 21: Controlled Substances Act by the Revised Code of Washington, it is unlawful for any person or persons to grow, manufacture, process, deliver, sale, grow, or possess marijuana.

"Marijuana," also known as "marihuana," means all parts of the plant ~~of the genus~~ Ceannabis sativa L., whether growing or not; the seeds thereof; the resins extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of ~~the~~such plant, its seeds or resin, and includes all marijuana concentrates, useable marijuana, and marijuana-infused products. ~~It~~ Such term does not include the mature stalks of ~~the~~such plant, fiber produced from ~~the~~such stalks, oil or cake made from the seeds of ~~the~~such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of ~~the~~such mature stalks (except the resins extracted therefrom), fiber, oil, or cake, or the sterilized seed of ~~the~~such plant which is incapable of germination.

Except as permitted under the Revised Code of Washington, violation of the provisions of this Section shall constitute a misdemeanor, punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 6300 § 1, 2010; Ord. 5682 § 1, 2002.)

Option 2: No City Permitting of Marijuana Uses - but Allowing for City Enforcement of State Licensed Marijuana Requirements

Amend Language in ACC 1.04.060, 5.10.040, 9.22.010, and 18.02.020, as follows:

1.04.060 Conflict of ordinances with state or federal law.

All ordinances and city code provisions, and regulations therein, shall not be in conflict with all other regulations and/or requirements of state and federal law, insofar as not permitting or allowing any action, use or conduct which is in violation of or prohibited by any state or federal laws, regulations or codes. Any such provisions that cannot be implemented or enforced because of provisions of state or federal law, or that cannot be reconciled with any state or federal law, shall be deemed to be in conflict therewith. Any provisions of city ordinances or of the city code deemed by the city council to be in conflict with state or federal law shall be null and void. This provision does not allow any action, use or conduct which is in violation of any local, state or federal laws, regulations, codes and/or ordinances. Any action, use or conduct which is not permitted or allowed is prohibited. It is provided, however, that this provision does not preclude the city from taking enforcement action in instances where conduct or activity that is licensed or permitted under state law occurs within the City of Auburn but is not in compliance with or violates the requirements of such state licensing or permitting. (Ord. 6416 § 3, 2012.)

5.10.040 General business license required - Exception.

A. Any person desiring to establish or conduct any business enterprise or undertaking as defined in ACC 5.10.020 within the corporate limits of the city, shall first apply to the business license clerk, as designated by the mayor, for a license to conduct such business and obtain such license as approved by the city. The application shall be upon a form furnished by the

business license clerk on which the applicant shall state the business name, address, and telephone number; the nature of the business activity or activities in which the applicant desires to engage; the place where the business will be conducted; the number of employees, and the name of the contact person along with an address and telephone number, and the business identification number issued by the state of Washington; and the IRS letter testifying to nonprofit status or the copy of the application to the IRS.

B. It is unlawful for any person to operate or physically conduct any business within the city without having first obtained a general business license for the current business year or portion thereof. The applicant for a business license required under this title shall be over the age of 18 years. If any person required to pay a license fee, by the terms and provisions of this chapter, for any period fails or refuses to do so, they shall not be granted a license for the current period until such delinquent license fee, together with penalties, has been paid in full.

C. Specific businesses identified in Chapters 3.80, 3.84, 3.88, 5.20, 5.30, 5.84 ACC or elsewhere in this title or other titles of the Auburn City Code will be required to obtain an individual business license as otherwise indicated.

D. Any business within the city jurisdiction on any project requiring a permit must have a business license.

E. Exception to city business licensing requirement. A business license is not required by the city of any person or persons who has/have a valid, lawful license issued by the state of Washington to produce, process or sell marijuana, marijuana concentrates, usable marijuana and/or marijuana-infused products in conformity with the requirements of the state of Washington related to such license pursuant to Sections 69.50.301 – 369 RCW, and Sections 314-55-005 – 540 WAC. (Ord. 5897 § 3, 2005; Ord. 5814 § 2, 2004; Ord. 5754 § 1, 2003; Ord. 4012 § 2, 1984.)

9.22.010 Marijuana prohibited.

Except as authorized under United States Code (USC) Title 21: Controlled Substances Act, or except as authorized by the Revised Code of Washington, it is unlawful for any person or persons to grow, manufacture, process, deliver, sale, grow, or possess marijuana.

A. “Marijuana,” also known as “marihuana,” means all parts of the plant of the genus *Ceannabis sativa* L., whether growing or not; the seeds thereof; the resins extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the such plant, its seeds or resin, and includes all marijuana concentrates, useable marijuana, and marijuana-infused products. ~~It~~ Such term does not include the mature stalks of the such plant, fiber produced from the such stalks, oil or cake made from the seeds of the such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the such mature stalks (except the resins extracted therefrom), fiber, oil, or cake, or the sterilized seed of the such plant which is incapable of germination.

B. It is unlawful for any person or persons who has/have a license issued by the state of Washington to produce, process or sell marijuana, marijuana concentrates, usable marijuana and/or marijuana-infused products to fail to comply with or violate any of the requirements of the state of Washington related to such license issued by the state of Washington, including, but not limited to the requirements of Sections 69.50.325 – 369 RCW, and Sections 314-55-515 – 535 WAC.

C. A violation of the provisions of this Section shall constitute a misdemeanor, punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 6300 § 1, 2010; Ord. 5682 § 1, 2002.)

18.02.020 Authority to adopt code.

The City of Auburn comprehensive zoning ordinance is adopted by City of Auburn ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution, the State Growth Management Act, RCW Title 35A, Optional Municipal Code, and Chapter 36.70B RCW. In accordance with ACC 1.04.060, and notwithstanding any provisions otherwise, this title does not permit or allow any action, use or conduct which is in violation of or prohibited by any state or federal laws, regulations or codes. Any action, use or conduct which is prohibited by state or federal law is prohibited hereby. It is provided, however, that this provision does not preclude the city from taking enforcement action in instances where conduct or activity that is licensed or permitted under state law occurs within the City of Auburn but is not in compliance with or violates the requirements of such state licensing or permitting. (Ord. 6416 § 4, 2012; Ord. 6245 § 2, 2009.)

Next Steps

Staff anticipates the Planning Commission taking action to select one of the the three (3) proposed regulating Options as presented by staff. Once the Option is selected, staff will begin to write or revise the applicable ACC sections for compliance with the direction and guidance of the Commission.

Attachments:

None